

CORRUPTION OF THE CITY GOVERNMENT.

REPRINT,

FROM THE



NEW YORK JOURNAL OF COMMERCE,

OF

A Series of Unanswered and Unanswerable Editorials,

SHOWING DEEP ABUSES IN THE

NEW YORK CITY GOVERNMENT.

 READ AND CIRCULATE. 

Taxes for 1852..... \$3,380,511 05

Taxes for 1853..... 5,171,802 79

Increase for this year.....\$1,791,291 34

(OVER 50 PER CENT. ;) AND THIS IN ADDITION TO A LARGE
INCREASE IN THE PERMANENT DEBT.

WHO PAYS THE TAXES?

Not the rich man who owns. No. The poor man who hires. Whether he hire a house, room, shanty or lot, when the taxes are increased, the owner immediately adds the increased tax to his rent, so that nearly the whole amount of TWO MILLIONS of additional tax for this year comes out of the pockets of the hard-working men of the city.

Let every poor man see how deeply he is interested in the question of "Reform in the Corporation."

"CORRUPTION IS THE DEADLIEST FOE TO LIBERTY."

NEW YORK :

WM. C. BRYANT & CO., PRINTERS, 18 NASSAU STREET

1853.

Ex Libris

Box 30 SEYMOUR DURST 0467170

Digitized by the Internet Archive
in 2013

REFORM THE COMMON COUNCIL.

CITY REFORM.

CITY REFORM.—We press this measure now upon the attention of citizens, because the Legislature, which is expected to take part in measures of relief, will sit but one hundred days from the opening of the session, and it will be necessary to consider the subject carefully, to prepare measures deliberately, and press them earnestly before that body. It is a subject fit to engage the warm exertions of all citizens; for all are interested—the poor and the rich, the humble and the great—in the inestimable boon of a well-framed government, wisely administered. The duty of aiding in reform at this moment—when that power which the people have erected for public and useful purposes, is wielded to defeat these objects, and to shield open violation of law—devolves on every citizen. No one has a right to shift the duty over upon others. No effective organization is now in existence; it must be created. Who will take part in it, and what shall be its particular duties? The first branch of the question we leave to be answered by our readers. Consider whether or not you have taken your appropriate part in keeping the ship of state in an onward, steady, straight course; whether its deviations are the result of your indifference, or belong to the system of free government, If to the latter, remedies are hopeless; and we must sink down step by step, to that condition of disgrace when a despotic arm will be welcomed as a substitute for roguery. The general tone of deep condemnation uttered every where but in the Common Council against what is now going on, is proof that the populace are yet pure; that the general sentiment is sound; and that it only needs to be concentrated to a point, and directed properly, in order to reach the object in view. A public meeting composed of the best citizens, selected without respect to party, would induce the Legislature to carry out its recommendation. The policy of giving more force to the veto power of the Mayor, has been discussed. He is an officer

selected generally with more care than is bestowed on others, and certainly it should require more votes to pass a measure after a veto than before, whereas fewer are necessary. The policy of amending the criminal law so that bribery may be reached and punished, by authorizing the District Attorney to compel witnesses to testify, (make them testify, but let them go clear,) by taking from aldermen the power to make up the Grand Jury list, (devolve this on assessors,) and by giving to a court in which aldermen do not preside the power to try aldermen: the policy of doing this has been presented to public consideration. The important matter to be done, relates to the power of the Common Council. They are now Supervisors, and fix on the amount of tax, for authority to lay which application is made to the Legislature. They sit also as a Board to authorize expenditure. They have, on the nomination of the Mayor, a power of appointment to office. They preside in Criminal Courts. Here is a union of political, legislative and judicial power. The union of all these powers in a single person; the compensation awarded for service, (they are paid as Aldermen, Judges, Supervisors and Canvasers, and sometimes for all on the same day,) and the collateral advantages of the post, have placed in office a set of men, who have gone there for emolument and political patronage. If the power of the Board of Supervisors were devolved on *others*, those *others* would have power to fix on the aggregate of expenditure for the year, and the Aldermen would determine on its division among particular subjects. The duty of keeping within the aggregate, could be guarded by such provisions as would enable any citizen to proceed to impeach or to enforce a personal liability against offenders. In this simple arrangement, a check over the total of expenditure is presented. A check on the manner of its distribution should be provided in the careful adjustment of the veto power. With these arrangements a corrupt Common Council would be fettered—the efficiency of an honest one would not be impaired.

The next question is, how shall this Board of Supervisors be constructed? If it shall be composed of men of the same character as those now in the Common Council, there would be three badly constructed Boards instead of two, and consequently no benefit from the third. The benefit must come from its mode of construction. As it will not have the power of appointment, or the power to vote on

measures of legislation, the mere politician will not seek it. There is a chance that it will be left to the taxpayers. They, at all events, will feel deeply interested in its composition, and will go to the polls. Party conventions will have a pride in nominating for it the best citizens, as they seem yet to have in nominations for our higher courts of justice. But if these considerations may be thought to be unsound, then the object of having good Supervisors can be accomplished in the mode of appointment. It would subject all measures of reform to the danger of defeat, to interfere with the qualifications of voters. A property qualification will be regarded with odium, and cannot be thought of. No man is wise in reforms, who is wiser than his time. The Board should not be large. It would be well constructed to consist of, say, nine persons: three to be elected from the city at large, three by the Common Council on the nomination of the Mayor, three by the Governor of the State. It must be recollected that the Governor appoints our notaries, our port wardens and other officers, and that to devolve the power in question on him, would be no new feature. This would be the commencement only of reform; the rest would certainly follow.* There is a necessity for immediate measures, as a check on present expenditure and present corruption. It is too long to wait for another general election. The odds will be greatly favorable to those in power, if the tax bill applied for—nearly five millions—be granted, without in any manner fettering the authority of members. In whatever tax bill is passed, it may be expedient also to specify the subjects of expenditure, or to exclude particular subjects. It has already been decided by the Supreme Court, that a Board of the character of ours, has no power to expend for junketings. At the present time, a public man of much eminence would feel himself disgraced by accepting civilities involving expenditure, from the *present* Common Council. The city will perhaps be exempt from such expenditures; but if the public authorities do attempt to confer *honor* (?) on distinguished men, let it be done without the necessity for increasing the taxes. The objection to it lies chiefly in the fact that it is used as an occasion for defrauding the public.

* After the corruptions mentioned in the following articles had been exposed, other measures of reform were shown to be necessary, which are spoken of at another page.

Citizens of New York, such is your government ! Do you not feel ashamed of your condition and prospects ? Are you entitled to the high privileges of an American citizen, when misgovernment is at your doors ; in the streets ; when it disturbs your slumbers : when it exposes your person, your property, and is not instantly and effectually rebuked and corrected ? The time is auspicious for action. No general elections present themselves to drown the voice of remonstrance against wrong. All is now calm in politics, and if you are *quick*, wise and patriotic, you will soon have cleansed a stable, filthy far beyond that Augean nuisance, which seems still to stink in the nostrils of the world. Consider the subject thoroughly, and ascertain the appropriate remedies. Every man may add his mite. Form your thoughts speedily into the shape of action.

HENRY E. DAVIES.

Good pay—\$60,000 and upwards per Annum.

CITY REFORM.—A few days ago, a statement was put into our hands showing the *expenses* of opening the Third avenue some years ago, and of the Fourth avenue, from 34th street to the Harlem River, within this year. In the former case they were \$2,023.81. In the latter case, \$83,058.51. The proceedings to open the Third avenue were conducted by that honest and excellent man Michael Ulshoeffer. The proceedings in the latter by Henry E. Davies. Not wishing to make any statement of the expenses occasioned by Mr. Davies, that we did not *know* to be correct, we went to the City Hall to make the requisite inquiries. The examination had scarcely commenced before there was opened a most astonishing display of recklessness on the part of those who are invested with public trusts. The fees of Mr. Davies on opening the 4th avenue, were \$15,246. The amount was received on the last day of the official term of the late officers of this City Government ; the last also, fortunately for the city, of Mr. Henry E. Davies. The book being before us, curiosity led us to ascertain how much had been received *within the year*, on this head of service.

Att'y and Counsel fees—	Liberty street.....	\$1,188 97
"	" Albany street.....	826 19
"	" 51st street.....	448 02
"	" Bloomingdale road.....	2,378 44
"	" 62d street.....	581 23
"	" 125th street.....	1,149 34
"	" Stuyvesant square.....	254 26
"	" 119th street.....	724 16

Att'y and Counsel fees—124th street.....	996 87
“ “ Bloomingdale square.....	7,478 70
“ “ First avenue.....	4,448 43
“ “ Canal and Walker.....	6,341 65
“ “ 11th avenue (part).....	1,735 37
“ “ 120th street—say.....	600 00
“ “ 4th avenue, above.....	15,246 00
	<hr/>
	\$47,500 68

We are not sure that this embraces the whole amount received, but it will be found to exceed the united salaries of the gentlemen at Washington, who compose the Cabinet of the President.

The items are composed, with the exception of very inconsiderable sums, of charges for services as Attorney in drawing the papers, and of Counsel fees. Some of the counsel fees are as follows:—

Motion to appoint Commissioners.....	\$75
Advising with Commissioners.....	500
Preparing to argue and arguing.....	500
	<hr/>
	\$1,075

These magnificent amounts are certified to by the commissioners. Their fees are procured to be taxed by the counsel. The two have an interest to swell the amount to the utmost capacity of property owners to pay. These sums, it must be recollected, are over and above various other amounts paid for services rendered by this well known officer. The ordinances of the Corporation fix the salary of the counsel at *three thousand five hundred dollars*. He is allowed for clerk hire, *two thousand one hundred dollars*. For contingencies, printing and stationery, he receives in addition, and doubtless pays away, \$6,200. The counsel also receives large sums, large, we mean, in our view, small no doubt in his, for mortgages drawn for purchase moneys on sales of corporation lots, for leases of land, docks, ferries, and for taxed costs on suits in which the city prevails. We speak now of what are called the *legitimate* fees of the office. We do not take into view the supposed receipts from *other* sources. The fee for *drawing* a ferry lease we hear has been fifty dollars, in the most unimportant cases. Whilst we were present in the Comptroller's office, a gentleman who had bought a gore from the city, and who was charged \$11 for fees, was endeavoring to ascertain from Mr. Flagg, in what manner he could recover it back. The counsel of the Corporation holds his office under the Charter of 1849, which provides that there shall be “an executive department known as the Law Department, which shall have the charge of and conduct all the law business of the corporation, and of the departments thereof, and *all other law* business in which the city shall be interested, when so ordered by the corporation, and shall have the

"charge of and conduct the legal proceedings necessary in opening, widening, or altering streets; and draw the leases, deeds, and other papers connected with the Finance Department, and the chief officer thereof shall be called the Counsel to the Corporation." In order to carry this provision of the charter into effect, certain ordinances were drawn up in 1849, after Mr. Davies had been appointed counsel, in which ordinances he doubtless took a part, at least in the matter appertaining to his duties. Before his appointment a law had been drawn up by Alderman Purser, with the advice of important members of the Judiciary, having for its object to cut off fully the charges by the counsel for any services over and above his salary, and it was adopted. This had become an established policy. This principle could only be invaded by *indirection*. It was thus accomplished. The 425th section of the new ordinances provides that "the salary to be paid to the counsel to the corporation shall be a full compensation, as between him and the corporation, for all the services he may be required to render by this article (art. 11 meaning.) He shall nevertheless be entitled to receive from parties other than the corporation, the taxable costs in all actions and proceedings which may be conducted, prosecuted or defended by him as such counsel as provided in section 420." Section 240 requires him to prosecute and defend as the Attorney and Counsel of the Corporation, all actions which may be brought by or against them, or any of the heads of Department or bureau, or any officer thereof, for or by reason of any matter connected with or growing out of their respective offices, or in which the corporation are interested, *in any court in this State*, except, &c.

The limitation *in any Court of this State* had a particular object. There were thirty odd suits against the city depending in the State of New Jersey, growing out of the great fire, the care of which necessarily fell to Mr. Davies under the provision of the charter above quoted. The suits were an experiment after failures in the Courts in this State. Mr. Cornelius W. Lawrence, on his way to Washington, had been sued and the suits were to be defended. The *charter* required the counsel to defend *all* suits, whether in or out of the State; the compensation provided in the ordinances applied only to those *in the state*. A test suit was tried and finally decided in behalf of New York by the bench in New Jersey. Mr. Davies finding that his term was about to expire, set about to obtain, without going to the corporation and without notice to the public, a fee in that matter, and he found an old ordinance which the late Finance Committee were induced to apply to this subject. Under these circumstances he received, a few weeks before his term ended, the sum of TEN THOUSAND DOLLARS for his services there as counsel. The persons who adjudicated upon this charge were Aldermen Bard and Boyce, and Assistant Aldermen

Wells and Ring. At the same time, other charges by other counsel were presented and allowed, amounting to ELEVEN THOUSAND DOLLARS. The ordinance referred to as authority for this extraordinary proceeding, was one passed in 1838, and had in view the suits then pending in *this State*, and not those commenced in New Jersey *afterwards*. It was indeed a mere resolution which could be carried into effect only by the Finance Committee then in existence, although in the book of ordinances of 1845 it is improperly published among them. It is as follows:

Resolved, That the suit and claims for damages sustained by the blowing up buildings during the great fire, be referred to the Finance Committees, together with the Law Committees of both boards, with power to direct the further prosecution or defence of the same or some of them, or to settle and pay the same or some of them, and all expenses attending the same, as they in their discretion shall judge proper, and to direct the sale and transfer of so much of the stock of the Fire Indemnity Loan as shall be necessary to make such payment.

Resolved, That the Comptroller be authorized to sell and dispose of so much of the stock of the Fire Indemnity Loan, and to pay such claims as the Finance Committee *in pursuance of the above resolution shall direct*.

Under this assumed authority, these enormous payments are made, and that too, *not in pursuance of the first resolution*; for that required the consent of the Law Committees, which was not obtained.

Citizens of New York, it is thus that your purse is opened, and that arms are thrust in to the very armpits, in open day, and your taxes raised nearly fifty per cent. in one year, in addition to large permanent debts incurred under authority of the Legislature. That body has been deceived and you betrayed. Go to them to reform your difficulties. They will listen to your honest appeals, and fetter the roguery by which the city is dishonored. Are you ready to act? The time is auspicious. The Legislature is now in session. You must be quick, active, firm, and all will yet be well. A great duty is imposed upon you for yourselves and your children. Shall reproaches fall on you for your indifference, or shall the blessings of an approving conscience and of posterity rest upon you?

HENRY E. DAVIES, ESQ.

Good Pay for Services in Fire Suits, \$10,000.

THE \$10,000 FEE.—The right to a fee to the Corporation Counsel for defending suits brought against the city in the State of New Jersey, was hinged upon a resolution passed in 1837, authorizing the Finance and the Law Committees to adjust claims against the city growing out of the *great fire*, and the expenses attending the same. It has already been shown that the resolution related to suits then pending in *this State*, in which a deci-

sion was subsequently made in favor of the city; that it was a direction to committees then in existence; that its operation, (as it was a resolution and not an ordinance) was temporary; and that to revive it, and apply it fifteen years afterwards, was wholly improper; and especially when but four out of six members of the Finance Committee had been consulted, and not one of the Law Committee. The fee of \$10,000 was received by Mr. Davies from the Comptroller, (no one will suppose that we refer to Mr. Flagg,) on the certificate of but two members of each Finance Committee, without being placed before the Common Council, without notice to the public, and in express defiance also of various ordinances of the Common Council, passed subsequently to the date of that resolution. At the risk of being tedious, we feel obliged to present the matter fully to the public. In 1847, various claims for extra services by a former counsel had been presented, and referred to the Finance Committee for adjustment. The Common Council, in order to cut off all like claims, passed the following preamble and resolutions:

"Whereas, By an ordinance of the Common Council of the City of New York, passed May 14, 1839, it was ordained, that the Counsel to the Corporation should advise the two Boards and their committees and officers, on such legal questions as might, from time to time, arise in relation to the business of the corporation, and perform all such other services in the line of his profession connected with the business of the corporation, as were not comprised in the duties of the Attorney.

"And Whereas, By a resolution passed May 29th, 1844, the salary to the counsel was fixed at \$2,000, and, by an ordinance passed ———, \$1,600 was allowed him for clerk hire.

And Whereas, There are now before the Joint Finance Committee, for adjustment, bills to the very large and extravagant amount of nearly \$25,000, for alleged extra services rendered by persons heretofore occupying the situation of counsel to the corporation, in violation of the spirit, if not the letter of the ordinance, allowing a definite salary to the counsel, in lieu of any and all fees. Therefore,

"Resolved, That in fixing the salary of the Counsel of the Corporation at \$2,000 per annum, it was clearly meant and intended that it should be received by him in full for any and all professional services rendered by him, *either to the Mayor, Common Council, or any member thereof, in his official capacity*, and for any and all services rendered by him, either in the preparing or drawing of any lease, deed, or other conveyance, or instrument in writing, for the said corporation, *and for the prosecuting and defending of any and all suits, or legal proceedings*, brought against the said Corporation, and that the said corporation were not to be considered as liable or responsible for any extra services rendered by him in that capacity, and that, *hereafter*, the Common Council will not sanction or approve of or allow, *any charge* for services rendered by the counsel to the corporation over and above the salary of \$2,000 per annum, or such other sum as may be fixed by Common Council.

"Adopted by the Board of Aldermen, July 26, 1847.

"Adopted by the Board of Assistants, Sept. 6, 1847.

"Approved by the Mayor, Sept. 7, 1847."

Notwithstanding this resolution, (which was loosely drawn, though its object could not be mistaken,) claims for subsequent extra services were presented and recovered. Alderman Purser, then in the Board, applied for a committee to prepare an ordinance on the subject, which was appointed. In order to close up the openings through which recoveries for *extra* services had been made, he consulted with those members of the Judiciary who had examined the question, and prepared, under their direction and with due care, an ordinance on the subject, which was adopted with great unanimity. This proceeding took place about twelve months in advance of the term of Mr. Henry E. Davies, who knew its character perfectly well when, through his expressed desire to render public service, he became a candidate for office. The ordinance, approved by the Mayor on the 9th of May, 1848, is as follows:

The Mayor, Aldermen and Commonalty of the City of New York, in Common Council convened, do ordain as follows:

§ 1. There shall be a Department of the City Government known as the Law Department, the chief officer whereof shall be denominated the "Counsel of the Corporation;" and he shall keep his office in such rooms of the City Hall as may be assigned by the Common Council. He shall be appointed by the Common Council, and receive a salary of thirty-five hundred dollars per annum, which salary shall be in full for all services rendered by said officer, *whether in the capacity of Attorney, Counsel, Solicitor, Proctor or Conveyancer*; and said salary shall be in lieu of all costs at law or in equity, and of all fees or other charges against the Corporation, Supervisors, or Departments, or against any other person or persons, for the performance of any service connected with, or arising out of, the business of the said Corporation, which shall or may be committed to his care, under or by virtue of this ordinance.

§ 2. The said Counsel shall, before entering upon the duties of his office, take and subscribe an oath, or affirmation, well and faithfully to perform the duties of said office. He shall also give a bond, with sufficient sureties, to be approved by the Finance Committees of both Boards, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of his office.

§ 3. It shall be the duty of the said Attorney and Counsel to advise the two Boards and their Committees and officers, on such questions as may, from time to time, arise in relation to the business of the Corporation. He shall keep his office in one of the rooms adjoining those occupied by the Comptroller, and shall attend to all the business of the corporation not committed to the Attorney of the Corporation; and shall perform, without any charge beyond the compensation before specified, all such duties, *in the line of his profession*, in defending or prosecuting suits at law, or in equity, in which the Corporation of New York have any interest or concern, and all such deeds, conveyances, contracts, reports of committees, petitions, drafts of laws or other papers, or services as shall be required.

§ 4. All fees received by said Attorney and Counsel for taxed costs in any suit, or for the drawing of deeds, mortgages, or other papers or services connected with, or arising out of, the business of the Corporation, Board of Supervisors, or any of the departments of the City Government,

shall be paid by him into the City Treasury *at the close of each month*, and he shall immediately after file a detailed report thereof, verified by oath or affirmation, accompanied by the Chamberlain's receipt, with the Comptroller.

§ 5. The said Corporation Counsel shall keep an account of all the fees of court and actual disbursements paid out and disbursed by him in the conducting of any suit or proceeding, essential in the performance of his duties, and shall monthly render to the Comptroller, a statement in detail, verified by oath, of all such fees of court and disbursement, actually paid out and disbursed by him, and the Comptroller shall pay the same after proper examination; but the said Corporation Counsel shall not be, *directly or indirectly, interested in any such fees or disbursements.*

§ 6. The said Attorney and Counsel shall have two clerks to assist him in the performance of his duties, who shall be appointed by him, one at a salary of one thousand dollars, and one at a salary of six hundred dollars.

§ 7. Section 1st, Title 1st, of Chapter 4th of Revised Ordinances in relation to the Counsel of the Corporation, and all other Ordinances and resolutions inconsistent with this Ordinance, are hereby repealed.

These ordinances have the merit of precision and comprehensiveness. Under them no claims for extra services of any description could be recovered. Mr. Davies found them in operation when he was first appointed in May, 1849. In order to reform the abuses that had previously existed in the Government, the Legislature, on the 2d of April, 1849, made numerous and important alterations in the charter, which were to be submitted to the people for approval on the 2d Tuesday of that month, and, if approved, were to take effect on the first day of June in the same year. Such submission and approval took place, and the charter, as amended, was adopted. Among other things, it made the heads of department elective, and among them that of the law department. Mr. Davies, under the appointment in May, 1849, took possession of his office. He held it to the first of January last. The provisions of the new charter, applicable to his office, are as follows:

Sec. 18. "There shall be an executive department, known as the "Law Department," which shall have the charge of and conduct all the law business of the Corporation, and of the departments thereof, and all other law business in which the city shall be interested, when so ordered by the corporation; and shall have the charge of and conduct the legal proceeding necessary in opening, widening, or altering streets; and draw the leases, deeds, and other papers connected with the Finance department, and the chief officer thereof shall be called the Corporation Counsel."

Sec. 19. "No expense shall be incurred by any of the departments or officers thereof, whether the object of expenditure shall have been ordered by the Common Council or not, unless an appropriation shall have been previously made concerning such expense."

The then existing ordinances in respect to the compensation of the Counsel remained in full force; but, as the new charter produced a deci-

sive change in the organization of the city government, an alteration of the ordinances was necessary in order that there should be conformity between them. A committee was appointed for this purpose in both Boards; about 200 pages of additional ordinances were reported; they were adopted a day or two before the new government was to go into effect; but the haste with which they were acted upon, may be inferred from the fact, that they were adopted by one Board on the 28th, by another on the 29th, and were approved by the Mayor on the 30th May, 1849,—all within two months of the passage of the Act to submit the new charter to the people.

The new ordinances on the subject of the compensation of the Counsel, left the salary of the counsel and his clerks at the amount fixed under Alderman Purser's proceedings; but the precision and force of Alderman Purser's ordinance were, in part, destroyed. There was a *partial* enumeration of subjects to which the duty of the counsel applied, and an *omission* of others certain to fall within it, which destroyed the force of the following provision, intended *apparently* to cut off extra claims:—"The salary to be paid to the Counsel to the Corporation, shall be a full compensation *as between him and the Corporation*, for all the services he may be required to render *by this article*." He was not required by *that article* (Art. 2) to take proceedings to open streets, or to defend suits out of the State, or to draw mortgages to the City, or lease to ferries, &c. It is owing to these omissions that he has received, during his official term, *probably* TWO HUNDRED THOUSAND DOLLARS over and above what would have been allowed if the ordinance as to his compensation had remained in the shape given to it by Alderman Purser. It was, however, changed. The hand of a master evidently appears in its structure. It is divided into three articles. The first follows the language of the charter and requires the counsel to conduct the proceedings in opening streets; the *second* omits it, and applies the salary only to what is required by the second article; and these words are judiciously added:

"He shall nevertheless be entitled to receive from parties, *other than the Corporation*, the taxable costs in all actions and proceedings which may be conducted, prosecuted or defended by him as such counsel, as provided in section 420."

These ordinances were in the course of preparation from the day of his appointment, the 22d May, to the day his duties commenced, the 30th May, on which day the ordinances took effect. They were adopted on that day without proper reading, as they were understood to be mainly of that organic character which was required to set the new machinery of Government in motion. They were then to be printed; but whether they received modification as they went through the press, no stranger to the

proceeding can tell. No individual could at that time have made the immense change in the rule of compensation applied to the counsel, in an *open* manner. It required indirection and haste, such as prevents examination and care, to accomplish it. The repealing clause declaring that all ordinances inconsistent with those then adopted were repealed, has failed to accomplish its purpose so far as to repeal that portion of the resolution adopted in 1847, which declares that "hereafter the Common Council will not sanction or approve of, or allow *any charge* for services rendered by the Counsel to the Corporation over and above the salary of \$2,000 per annum, or such other sum as may be fixed by the Common Council." If the resolution of 1837 remained in force beyond the year, this did also.

It is, therefore, clear that the charge of ten thousand dollars was wholly illegal, and its receipt under the circumstances, a clear fraud upon the public; and it may be recovered back on a suit brought for that purpose. The ordinances also provide "that no officer of the Corporation who receives a fixed salary, shall be entitled to any extra compensation for any service which he may render to the Corporation." We trust a committee may be appointed by the Legislature to inquire into the total amount received, with power to send for persons and papers; as the foundation not only of proper laws on the subject, but also as the foundation of proceedings for recovering these iniquitous gains.

SACRIFICE AT PRIVATE SALE OF THE FORT GANSEVOORT PROPERTY.

The sale made by the Commissioners of the Sinking Fund to Mr. Simeon Draper, embraces the piece of land mostly under water, extending from the bulkhead running along West street and the 10th Avenue out to another bulkhead running parallel with it, lately erected, which constitutes the exterior line of the city. On the inner line it is 584 feet, on the exterior line 870, from which the city reserves the use of $108\frac{1}{2}$ feet for streets, running East and West. The Southerly line of the lots is 400 feet, the Northerly about 580. When filled up, the purchasers will own between 70 and 80 lots, and 781 feet of the present exterior bulkhead, from which they will be entitled to wharfage and dockage. The land lies open to the river on the South side only, and that, for only part of the way. There is a bulkhead returning towards the shore 65 feet. The Northerly boundary of this land is Twelfth street, which was filled

up by the city and a private owner at the expense of \$17,340, borne jointly. Its West boundary is the bulkhead lately erected by the city at a cost of \$94,920.33. Its east boundary is the bulkhead along West street, which originally cost the city \$26,500. Its South line is Gansevoort street, which is not filled up except for 65 feet. The land under water inside of these boundaries is so sheltered from the action of the river, by the fruits of the large outlay made, that it can now be filled up without waste. The city reserves the right to throw in coal ashes and street rubbish from several wards until it is filled up, but it is not reserved as an exclusive right, and others who pay for the privilege will no doubt be allowed to use it also. The purchasers agree to make the streets and so much of the 13th avenue as are within the grant, and to pave and repair them, but they will be made by the deposits above mentioned. The purchase money was \$160,000, only about \$30,000 beyond the outlay already made by the public to bring the land under water into use.*

It will readily be perceived that as the city needs a dumping ground for the refuse, this property should have been reserved, and when filled up, sold, at the greatly advanced value thus to be given to it by the city. But, for some singular reasons, certain officers of the city entrusted with the care of this property (the Sinking Fund Commissioners,) thought proper to sell it to another officer (a Commissioner of the Alms House,) in which sale the plainest provisions of the statutes of this State, the ordinances of the city and its charter, were directly violated. The 19th section of the amended charter provides that—

“No member of the common council, head of department, chief of bureau, deputy thereof, or clerk therein, or *other officer of the Corporation*, shall be directly or indirectly interested in any contract, work or business, or the sale of any article, the expense, price or consideration of which is paid from the city treasury, or by any assessments levied by any act or ordinance of the common council, *nor in the purchase of any real estate or other property belonging to the Corporation*, or which shall be sold for taxes and assessments.”

For a violation of this ordinance, the party offending may be impeached and disqualified from holding any civil office under the charter. Mr. Draper is such officer. The sale made nominally to the keeper of a restaurant, was on the spot transferred to Mr. Draper; but after the deed had been drawn to him by the Corpora-

* This property was at the time, valued by A. J. Bleecker, Auctioneer, at \$300,000.

tion Counsel, (Mr. Davies,) this provision was examined, and another party selected as the grantee. The *purchaser* violated this law. The *sellers* violated it in selling to him, and they violated others, equally explicit and important.

In 1851, the city of New York, through the exertions of the late Comptroller, applied to the Legislature for authority to increase largely and imprudently its debt. It was for the purpose of hiding from tax payers the increase in expenditure and to distribute greater advantages to favorites. The laws for this purpose embraced a new principle, authority to create debt for *annual repairs*. A large portion of it was created to build bulkheads. In order to induce the Legislature to pass them, and overcome the expected hesitancy of capitalists to take the debt, a provision was inserted in one of the acts, that those ordinances of the city which appropriate its property to its debt and provide a particular manner of sale, shall be above the power of future Corporations. The act says (June 20th, 1851,) that those ordinances "*shall not be amended without the consent of the Legislature first had and obtained.*" The ordinances thus secure from amendment are as follows:—

"The Commissioners of the Sinking Fund are hereby authorized to sell and dispose of all real estate belonging to the Corporation, and not in use for and reserved for public purposes, at PUBLIC AUCTION, at such times and on such terms as they may deem most advantageous for the public interest; provided, however, that no property shall be disposed of for a smaller sum than that affixed to the description of said property under Title V of this Ordinance; and that at least twenty days' previous notice of the time and place of such sale, including a description of the property to be sold, be published in each of the newspapers employed by the Corporation."

The provisions of Title V., thus referred to, and to control in ascertaining the valuation in advance of a *public* sale, are as follows:

Section 1. Real estate, under lease, without covenants of renewal, shall not be sold for a less sum than the same may be appraised at by the Commissioners of the Sinking Fund and the Street Commissioners, or a majority of them, at a meeting to be held, and an appraisal made, within one month prior to the date of the sale.

Sec. 2. Real estate, under lease, with covenants of renewal, shall not be sold for a less sum than an amount equal to a commutation on the present rents reserved, calculated at 6 per cent.

Sec. 3. "Real estate not embraced in the last two preceding sections" (this was not) "shall not be sold for a less sum than the same may be appraised at, pursuant to the first section of this title."

These provisions authorise only a *public* sale; they require an appraisalment by the Sinking Fund Commissioners and the Street Commissioners, an advertisement in all the corporation papers, and a sale at not less than a recently fixed minimum price. The land in question was clearly real estate, not only that gained from the river, but also that under water and to be filled up. There was no appraisalment of its value, such as the law contemplates; the sale was made not publicly, but in a peculiarly private manner. A resolution was offered on the 27th Dec. 1852, that the land be sold for \$160,000. It was agreed to instantler. The Commissioner who urged it drew from his pocket a bid of Reuben Lovejoy, which was accepted. He then drew from another pocket a transfer of it to Simeon Draper; and from another pocket an acceptance of it by the latter, and an agreement to pay. The deeds were drawn, executed, delivered, and the transaction closed before the term of the new Comptroller commenced, which was five days afterwards. Forty thousand dollars were paid down; the balance was secured by bond and mortgage. The grantee selected, after it was found that Simeon Draper could not take title, was the elder Joseph B. Varnum. There was an especial duty in this matter devolved upon the late Mayor, which he omitted to perform. The fourth section of the above chapter of ordinances provides as follows:

“§ 4. Whenever any real estate shall have been sold pursuant to the preceding sections of this title, it shall be the duty of the said Commissioners of the Sinking Fund, or a majority of them, to give a certificate under their hands, that the same has been sold *pursuant to the provisions of this ordinance*, and on the *production of such certificate*, and the evidence that the proceeds of such sale have been paid into the treasury, to the credit of the Sinking Fund for the redemption of the city debt, *it shall be the duty of the Mayor of the city* and the clerk of the Common Council, to *execute proper conveyances* of such real estate, under their hands and the seal of the city Corporation.”

None of these formalities could, of course, have been observed, and the seal of the city, placed under the control of the Mayor as a sacred trust, has, consequently, been affixed without authority. He has doubtless been deceived into connection with this matter, and has some explanation to offer.*

* No explanation has been made to the public.

The affair was closed on the 30th or 31st of December. Alderman Bard, of the Finance Committee of the Board of Aldermen, and Assistant Alderman Wells, of the Finance Committee of the Board of Assistants, were actors in this transaction. They also fixed the fee of Ten Thousand dollars to Henry E. Davies, which the Comptroller improperly paid. It was on the same 31st of Dec. that Mr. Davies received from the Comptroller and Street Commissioner his costs of \$15,000 for opening an Avenue. Mr. Davies was doubtless the legal adviser of the Mayor and others in this transaction.

We are told that the scene at the Comptroller's office on that day was a most remarkable one. *On the next a bull-dog was to be placed at the door of the Treasury.* Whatever was to be accomplished in the way of fraud and theft, was to be done in advance of the change or never. The activity of subordinates was immense. The usual segar-smoking was for once omitted. The transactions of that day, when they are all disclosed and all ripped up, *as they shall be*, will urge citizens onward to those great duties of reform and purification which they have so long culpably neglected.

Within the past year every profitable street and avenue has been granted to favorites of the Common Council; the taxes have been increased nearly two millions; the permanent debt has been largely extended; the property of the city has been thrown away; Aldermen have protected criminals; and every form of misgovernment is at our doors. With the frauds and abuses so openly perpetrated, the Legislature of this State can have no sympathies. They will grant the required relief. Go to them, and ask, that through their influence, the government derived from them may be saved from destruction. The petition of those who are helpless, men, women and children, who expect no other *favor* but *protection to life, liberty and property*, their prayers will be heard, and those who have put all these great interests in peril, be visited with shame, disgrace and final punishment. Go to the Legislature for *full relief*. They have the power to grant it; and if they refuse, they will be parties to the great crimes under which we suffer. Let no timid counsels lead you into half-way measures. Expel from power the rogues who still hold it, for purposes of further corruption. They belong to no party but that of Robin Hood. Party will not protect them. Organize your government on a plan, which, while it sacredly regards every

popular principle, shall yet enable honest citizens to control the first city on the continent, a city which has the capacity to confer honor, when well managed, but if not, to stamp disgrace on the State at large.

The inhabitants of the city of New York compelled to apply to the Legislature for relief,—WHY?

To the Legislature of this State :

We learn that some surprise has been expressed among that portion of your body which has no sympathy for crime, that proceedings to impeach or punish the Aldermen of the city have not been taken. The answer is very evident. In the charter received from you in 1849, there is a clause providing that "the Board of *Assistant Aldermen* shall have the *sole power of impeachment* of all city officers, not otherwise provided for;" and further that "*the Board of Aldermen shall have the sole power to try all impeachments.*" To the question why are they not otherwise punished, the answer is equally complete. Under your laws, the Aldermen preside with a Judge, or the Recorder, in the criminal courts. - The Grand Jury are organized by and report to them. The Aldermen, as Supervisors of the city, make out the list of the latter; and it may readily be supposed that, when crime has been long meditated and openly committed, the same attempts that have been made to shake the Judiciary (through the provision authorizing the Supervisors to raise the salary of the Judges) would be extended to other administrators of the law, and that a proper care over the composition of the Grand Jury would not be overlooked.

There is still another reason. The rules of law enable any person sworn as a witness in cases of bribery and fraud, to relieve himself from the obligation to testify by declaring that his answers will criminate himself; and hence, as he would be liable to immediate conviction, proof of the guilt of others cannot be expected. It is therefore, that men who should be at work with shaved heads and striped jackets in one class of public buildings, occupy in others the honorable post of Legislators in our local legislature, throw over their persons the pure ermine of justice, and hold in their hands the

power to govern a city whose example for good or evil, influences every place on this great continent. A trial of these men will be a farce, until you shall have answered the petitions that will soon reach you for relief, the petitions of men who have trusted and been betrayed, the prayers of men, women and children who now look to you to preserve from deep contamination the charter created by your hands.

The abuses which we have suffered for a few years past, were greatly augmented during the past year. The tax bill now on your table speaks volumes on that subject. There will be those in your body from our city, who will try to press it speedily into a law. The tax payers expect that you will hold it, until they have the opportunity to be heard before you. Those abuses, by which the taxes have been increased nearly two millions of dollars, have been perpetrated for the benefit of members of the Common Council, and such others as expediency required them to benefit. The cry of all these is—" *We can take care of ourselves*; we need no aid from the Legislature; New York is competent to manage her own affairs." You will presently see that the whole virtue, intelligence, and substance of this community rely on you for those organic features of reform, which fraud, robbery, and violence have demonstrated to be necessary. In the performance of our duty as conductors of a newspaper, we have endeavored to present with detail and explicitness many of the monstrous wrongs under which the community suffers.

We beg leave now to call your attention to the habitual violation by our city government of two statutes of an important character. One of these is your act which sacredly applies the large real estate owned by the Corporation to the payment of its debt; the other, the law that no executive business shall be performed by any committee or member of the Common Council. It is declared that if a member converts any public property to his own use, or knowingly permits any other person so to convert it, he shall be deemed guilty of a misdemeanor.

The Sinking Fund Act expressly pledges the property of the city to the payment of its debt. "*The powers and duties of the Commissioners*" (said the late Mayor in his message of the 20th December) "*are defined by law of the State.*" That law permits them to sell, but limits them to a *public sale, duly advertised*, and requires that

certain officers of the city shall affix a *valuation* upon the property. The pledge thus made was of the most sacred character. You declared that these provisions should not be amended except by you. Now mark the manner in which the law was lately and shamefully violated. Property valued by an old and trusted auctioneer (A. J. Bleecker) at THREE HUNDRED THOUSAND DOLLARS, was sold *privately* at ONE HUNDRED AND SIXTY THOUSAND DOLLARS, and there was an effort to sell it for less. The matter commenced in the Common Council. The Commissioners of the Sinking Fund who had sole charge of this property, were the Mayor, Comptroller, Recorder, Chamberlain, and Alderman Bard, and Assistant Alderman Wells. Four constituted a majority. It had so long been the custom to sell at public auction, that the Commissioners dared not violate the law requiring it, without a specific direction. To procure it, was attempted in the Common Council, which had no power to act. Mr. Bard, who was in both Boards, (Aldermen and Sinking Fund,) introduced a report in the former, that the property in question "*be sold to D. R. Martin*, and that it be referred to the Commissioners of the Sinking Fund to fix the terms and price." The extraordinary character of this resolution, which attempted to limit the city to a single purchaser, attracted immediate observation; and it was referred back to the Finance Committee, after a proposition had been voted down to sell it at public auction to the highest bidder. This was on the 10th of last November. The eyes of some others were opened to this proceeding; and on the 17th, Mr. Bard's colleague on the Finance Committee, presented the petition of REUBEN LOVEJOY, as an apparent competing purchaser. Mr. Lovejoy ultimately procured the property only to transfer it immediately to Simeon Draper. A few other knowing ones, *appearing* to have opposing interests, applied for it. On the 24th November, the resolution was again presented by Alderman Bard, slightly altered. It provided that the land might be sold to "*D. R. Martin, or either of the other applicants.*" A motion for a public sale was again made, and voted down; but the members had not been sufficiently prepared *in the usual manner* to carry the proposition, and it was again laid on the table. The term of the Commissioners was fast drawing to a close, and on the 8th of December the resolution was again brought up. A motion was made to strike out the words *either of the*, and insert *any*, which was accepted, and the

resolution passed. The first step in this illegal and disgraceful transaction was thus taken. It passed the Board of Assistants on the 10th of December, on motion of Mr. Wells, *also a member of the Sinking Fund Board*. The Mayor, (Mr. Kingsland,) although he vetoed the resolution requiring the Sinking Fund Commissioners to stop the sale of most of our wharves and piers,—stating in his message that the powers and duties of the Commissioners were prescribed by a law of the State,—allowed this resolution, which equally interfered with those duties, to go into effect. It was to be sold now, not to D. R. Martin only, and not merely “to either of the applicants,” but to “D. R. Martin, or any other applicant.”

A system of peculiar bidding now took place. It is evident that many of the bids were put in to show that there had been competition among several independent bidders. An inspection of them shows their character. The body of three (those of James B. Taylor, Reuben Lovejoy, and S. H. Smith,) are in the handwriting of the former. The body of two of them, (Silas C. Herring's and Benjamin Westlake's,) are in the handwriting of Herring. Those of Smith, Taylor and Herring, are on paper with the same stamp.

The bids first offered were as follows :

	A. Van Santvoord,	\$108,000
Dec. 20.—	S. H. Smith,	115,000
	B. Lloyd Jones,	122,500
	Benjamin Westlake,	125,090
	James B. Taylor,	130,000
	Reuben Lovejoy,	(no sum.)

It had, we learn, been determined to close the matter so that it would fall to Taylor at \$130,000, or Lovejoy at the same sum, (they were the same,) but one of the Commissioners inquired if bids were open, and offered \$5,000 beyond any sum contained in those proposals. The sale was thus frustrated, and the Board adjourned.

After that meeting, Mr. A. J. Bleecker examined the property at the request of the Recorder, and valued it at \$300,000, which was stated to the Board when they met again. But other bids were received. That of Mr. Draper was as follows :

NEW YORK, Dec. 27, 1852.

To the Commissioners of the Sinking Fund :

GENTLEMEN,—I will give for the Corporation property, between

Ganzevoort, Twelfth street, and the North River, one hundred and forty thousand dollars, *or such sum as may be fixed upon by your Board*, and on such terms as you may fix upon the same.

S. DRAPER.

*Preston H. Hodges bid.\$132,000

†Silas C. Herring,..... 135,000

Mr. Tillou moved to fix the value at \$300,000, but he was voted down. The Commissioners voted to fix the price at one hundred and sixty thousand dollars, and declared Reuben Lovejoy the purchaser at that sum. No amount was named in his bid. The following were then produced by Alderman Bard:

To the Honorable the Board of Sinking Fund Commissioners of the City of New York.

GENTLEMEN,—The undersigned is an applicant for the purchase of the property owned by the Corporation, situate on the Hudson or North River, in the city of New York, between Ganzevoort and Twelfth street, and Tenth and Thirteenth avenues, and should your Board award the sale of said property to me, I hereby authorize and request you to make out the deed for the same to Mr. Simeon Draper, who will comply with the terms thereof.

Very respectfully, your obedient servant,

REUBEN LOVEJOY.

New York, Dec. 20, 1852.

Witness, GEO. OAKES.

To Joseph R. Taylor, Comptroller, or any member of the Sinking Fund Commissioners.

NEW YORK, DEC. 20th, 1852.

To the Commissioners of the Sinking Fund of the City of New York.

GENTLEMEN,—Should the proposition made by Reuben Lovejoy for the purchase of the property between Twelfth and Ganzevoort streets be accepted, I hereby authorize him to transfer the purchase to me; the payment and mortgage will be given by me upon the rendering of the title by the city.

Your obedient servant,

S. DRAPER.

It will be perceived that Mr. Draper's agreement last copied, is dated the 20th of December, and was intended to apply to the bids first made, but it was used after the price had been raised, and after his own higher bid of subsequent date was made. Mr. James B. Taylor (who wrote Lovejoy's bid) has since received a deed for one-

* Taylor boards with Hodges.

† Herring and Draper are brothers-in-law.

third of this property—a fit recipient of a title thus acquired. Four votes were required to carry the matter; and it had the support of Bard, who carried the resolution in the Board of Aldermen, of Wells, who carried it in the Board of Assistants, of the Mayor, who allowed it to pass without his veto, and of the Comptroller. Mr. Tillou was voted down in an effort to procure a public sale. The transaction was immediately carried into effect, and a deed for the property drawn and recorded in the Comptroller's office, to Mr. Draper, who gave his mortgage for three-fourths of the purchase-money, which was deposited in the Register's office. Your act declaring that no officer of the Corporation shall be interested *directly or indirectly* in the purchase of "any real estate, or other property belonging to the city," was then examined; and the Comptroller, whose power over the matter had then terminated, canceled the deed, without order or authority, satisfied the mortgage, and a new deed was drawn and delivered to Joseph B. Varnum. One other third of the land has since been conveyed to Mr. Coleman, of the Astor House. It cannot be doubted that from the time when the application of Reuben Lovejoy was first made to the Common Council, on the 17th of November, there was a plan on foot to sell *him* this property as the *tool of others* in defiance of law, and that it was steadily pursued by members of the Common Council and others, until the completion of the sale. The most extraordinary influences could alone have produced this remarkable state of things. Of course, this nefarious transaction will be ripped up, and the City restored to its property; but those who alone have power to authorize a suit, are in possession of the city government, under such circumstances of suspicion in regard to this sale that no such step can be expected from them. That they have violated the following section of the charter received from your hands, many suppose:

"SEC. 25th.—Any officer of the City government," (the Aldermen and Assistants are,) "or person or persons employed in any department thereof, *who shall wilfully violate any of the provisions of this charter*, or commit any fraud, or convert any of the public property to his own use, or *knowingly permit any other person so to convert it*, shall be deemed guilty of a misdemeanor, and in addition to the penalties imposed by law, shall forfeit his office, and BE EXCLUDED FOREVER from receiving or holding any office under the city charter."

Gentlemen of the Legislature: In addition to this specific wrong,

both Boards habitually appoint Committees to make large expenditures without any accountability, and without accounting; and within the last year they have performed executive business of this character, in express defiance of another provision we have quoted. But so glaring is the violation of the law we have presented, that more detail is unnecessary. The injury extends beyond the city itself to public creditors, and is calculated to affect the sanctity of those public pledges which States and communities give when they borrow the earnings of others. The voice of a community, whose credit and honor are its wealth and most valuable possession, rises to you, to wipe away the deep stains that are thus inflicted, (it can only be done by hurling such servants from power,) and if one of you shall be more distinguished than the rest in conferring this blessing, it may be said for him, as was said of the great Chatham, that "grateful honors shall cluster around his name."

WHO IS JOHN DILLON ?

"WHO IS JOHN DILLON ?"—In asking this question a few days ago, we had no conception of the astounding answer which has been presented to our inquiries. The case out of which it arose looked badly on its face; but it has an aspect wholly unexpected, calling for investigation and punishment. The public will doubtless ponder over a statement of the facts.

The charter of 1849 was designed to establish in the City Government a distinct legislative and executive establishment. The legislative power was defined and limited, it was intended to be deposited with the Common Council. The executive power was lodged wholly in the Mayor, the heads of department, and certain enumerated officers. The divisions between the two powers were precise and unmistakable. The ninth section of the charter declared that "neither the Common Council nor any *committee* or member thereof, shall perform *any* executive business *whatever*, except such as is or shall be imposed on them by the laws of the State, and except that the Board of Aldermen may approve or reject the nominations made to them as hereinafter provided." The specification of two distinct subjects in the enumeration of what is excepted, greatly strengthens the force of the preceding prohibition. The offence to which we in-

tend now to call your attention, fellow-citizens, is expressly prohibited by the plain language and obvious intent of the charter of 1849 in the provision quoted. It is equally against the language and meaning of the succeeding section, which provides that the Finance Department "shall *settle* and *adjust* all claims whatsoever by the Corporation or *against them*, and all accounts in which the Corporation is concerned, either as *debtor* or creditor." Those who have followed the disgusting exhibitions with which we have been compelled to load our columns, will recollect the clause which declares the punishment for a wilful violation of those provisions. We repeat it, however, that it may be applied to the facts of this case :—

SEC. 25. Any officer of the city government, or person or persons employed in any department thereof, who shall *wilfully violate any of the provisions of this charter*, or commit any fraud, or convert any of the public property to his own use, or knowingly induce any other to convert it, shall be deemed guilty of a misdemeanor, and in addition to the penalties imposed by law, shall forfeit his office, and be excluded forever after from receiving or holding any office under the city charter.

A Committee of the Board of Aldermen, of which WESLEY SMITH was Chairman, and of the Board of Assistants, of which CHARLES H. RING was Chairman, were appointed in June last, to perform jointly a certain service. They immediately organized in the performance of the duty, and made an expenditure of four thousand two hundred dollars. All the contracts were made by the Committee, the bills were rendered to and audited by them, and they were paid by the officers on the sole action and responsibility of the Committee. The expenditures of a similar character were large during the year, and it is probable that each case will exhibit many enormities of the character of that we are now exposing. The principal subjects on which Committees thus performed executive and also auditing duties, were the funerals of Messrs. Clay and Webster, the various junketing operations of the year, and the celebration of our National Anniversary. The expense of the latter, which came within the pervieu of the Committee, were \$2,542 in 1851; but as the corruptions of the members increased, the expenses were increased, so that in 1852, they amounted to \$4,113.58.

Among the bills was one purporting to be that of John Dillon, of \$800, for fireworks alleged to have been furnished at Randall's Is-

land. The bill was in the hand-writing of Wesley Smith, and, upon looking at the endorsement on the back of the check given by the City, we were struck with the remarkable similarity in hand-writing. We were struck also with another fact, viz.: that below the endorsement were the initials, such as receiving tellers affix on checks deposited, of the Chairman of the Committee of the Board of Assistants, Charles H. Ring. We desired the Comptroller, Mr. Flagg, to ascertain from his clerk, to whom the check had been delivered, and were told to Mr. Wesley Smith. On the strength of these facts, we inquired of the public who is John Dillon, and the following is the answer:

*"The Editors:—*In Saturday's paper you inquire, "Who is John Dillon?" He is a young dentist; his office is in Hudson street, near Dominick street, and is the *brother-in-law of Wesley Smith, Alderman of the 11th Ward.* Monday, 31st January, 1853."

Wishing to be sure of matters of this character, a skilful person was asked merely to take the note and ascertain its truth. His answer (which we do not in part understand) is as follows:

"MR. BUTLER,—This John Dillon, dentist, has his sign up at 250 Hudson street, next to the corner of Broome. Mr. —, on Hudson street, says he understands that Mr. Dillon is a brother-in-law of Wesley Smith, lumber merchant, &c.

"Mr. —, corner of Broome, says Mr. Dillon has lately returned from California; knows nothing particularly as to John Dillon's responsibility, but if the endorsement of *Alderman Smith, his brother-in-law*, could be obtained, he would think it safe.

"This information can be relied on, I think, and I suppose is sufficient for your purpose.

"February 2, 1853."

Upon these extraordinary facts comment is unnecessary. Whether or not the case is one of a large class, will probably be developed in the exhibitions to be made by Mr. Flagg, in respect to expenses of this character, in his annual report, with the effect of which we do not wish to interfere, by a premature disclosure of what *he* has ascertained and will present. The following are copies of the voucher and check which appear as the only authority and evidence of this payment:

Bill for Fire Works.

Isaac Edge, sen.	,	{	Tompkins Sq.	450	}	\$800
						{	Jackson Av.	350	}	

J. W. Hadfield.	{ City Hall,	{ 750
John Dillon.	{ Lamartine Sq.	
	Randall's Island,	300
<i>(Endorsed on the back.)</i>		

Approved.

WESLEY SMITH,
C. H. RING,
W. M. TWEED.
OSCAR W. STUTEVANT,
THOS. J. BARR,
S. L. H. WARD,

The following is the check :

NEW YORK, July 21, 1852. No. 3353. \$300
To the TREASURER of the CITY of NEW YORK at the
MECHANICS' BANK,
Pay John Dillon, or order, three hundred dollars, for fire works 4th
July.
A. C. KINGSLAND, Mayor.
D. T. VALENTINE, Clerk.

Jos. B. TAYLOR, Comptroller.

(ENDORSED)

JOHN DILLON,
C. H. R.

This voucher is marked in the margin, "contingencies."

This is a specimen, citizens of New York, of the manner in which (through the action of Committees expressly prohibited from exercising auditing and executive power,) you have been bleeding at an artery. The men who thus use the hard earnings of our industry, still meet in legislative halls, still sit on the bench which tries criminals, and continue their wrongs and depredations; and there are those meditating reform, who fear to raise the issue before you whether such representatives shall go on in their misdeeds, or be hurled from office by your indignant action at the polls, at a new election to be applied for to the Legislature. If there can be any sympathy in the Legislature for such acts, let the sympathy be known to the public. The sweep of reform will ultimately embrace all who thus violate the law, and all who approve the violation. Failure to dissent, is consent. No question more certain to arouse the animation and indignation of the people can be presented, than one of this character. It is weakness, criminal weakness, to refuse to the City the opportunity speedily to speak through their united ballots, against the monstrous wrongs that we suffer. Wrongs that must be corrected, and also

punished, or we shall be sunk in infamy "deeper than did plummet ever sound."

CORPORATION JOBS.

Nearly \$500,000 wasted.

Some years ago, Mr. Charles F. Grim, then a member of the bar, commenced, on his own behalf, the work of making an index of all deeds relating to city property, with a view to aid in the examination of titles. It was a work of great consequence to the owners of real estate, as it was calculated to diminish the expense which attended a transfer of property; and the bar was unanimous in desiring that it should be completed. The person then in charge of the Register's office stopped Mr. Grim, after he had collected materials for a single printed volume, on the ground that the work would interfere with his perquisites. A single printed volume alone remains to show the character of the work. The author of it is a man of great industry, remarkable not only for his precision and care, but for the highest integrity and for many valuable attainments; and it has been ever a subject of regret to the bar that his work was not finished. An index made by such a man would be relied on as accurate, and it would obviate the enormous delays and the vast expense incident to the examination of titles. The accomplishment of the work has ever since been the object of desire; and Mr. Tillou, Recorder of the City, in the month of May, 1852, took the incipient steps in the Board of Supervisors to set the work in motion. He had no sooner opened the eyes of the jobbers in the Board (they are also Aldermen) to this subject, than they determined to use it as they have every other power within their grasp. The Index, it must be borne in mind, is only valuable from its entire accuracy; it must not only be accurate, it must be known to be so; it will be worthless paper if inaccurate. A lawyer expert in the service of examining titles, and competent to devise the mode of performing such a work with skill and care, would have selected a person like Mr. Grim, (he has now, we think, retired from the profession,) and paid him a salary for his labors, and a proper sum for such persons as he should employ. The duty of arranging this important matter

fell into the hands of two aldermen—Wesley Smith and Thomas J. Barr.

It would have cost, managed on the plan pursued by Mr. Grim, from thirty to forty thousand dollars. We learn that it has been jobbed out, without advertisement, and without proper proposals, at an expense of about TWO HUNDRED THOUSAND DOLLARS. The contract we saw yesterday: it was signed, sealed, and delivered, in the month of November last.

On looking at the Comptroller's Report, we found that the cost of a vote of thanks to the principal agent of the Collins line, and some others connected with its establishment, had been about eight hundred dollars; of a similar vote to the Hudson River Railroad Directors, about the same. The Erie Railroad Directors had a like honor conferred on them at about the same expense. The certificates presented to the individual Directors were handsomely got up and framed. We had the curiosity to ask who had received these large amounts for this service, and learnt that it was Arthur & Burnet, stationers, in Wall street.

The contract for making the Index was also made with Arthur & Burnet. What Counsel drew it, we know not; but its features show a most decided willingness to put the city in the power of the contractors. It is as disgraceful to the author, whoever he may be, as are the ordinances regulating the fees of the Counsel.

Messrs. Arthur & Burnet agree "to collate and prepare a perfect, true, and correct index of the records in the said Register' office, *after the same are copied from the records, and to execute the same to the satisfaction of the said Committee on County offices.*" They are to do the work "of the best materials, and *as soon as possible*;" and the Corporation is to "pay or advance such sum or sums of money as *may be required*, not to exceed the amount which may be estimated as due at the time of such payment."

"After the same are copied from the records!" At the very outset, there is a claim that the Corporation shall make these copies; and we learn that the city is to pay for this, or does pay, in addition to the contract price! "To the satisfaction of the said Committee on County offices!" Mr. Ward is named with the other two aldermen as the parties to the contract; but he did not sign. The two others constitute a majority, and do sign. Think of the service likely

to be rendered in this delicate matter by Wesley Smith, a lumber dealer,—and Thomas J. Barr, a keeper of a livery stable!

The work to be done “as soon as possible!” What does this mean? It is wholly indefinite. No two will agree as to its meaning.

“The Corporation to pay or advance such sum or sums of money as may *be required!*” Required by whom?

There are no provisions for putting the copyright in the hands of the city; but a contract, so loose and disgraceful as to be fraudulent, was made for this important object.

The number of record books is now six hundred and thirty. For furnishing materials, blanks, &c., for copyists, and preparing the index, the rate fixed is \$16 per volume of records; for 1000 sets of index complete, \$5 70 per page for first 250 copies, and \$4 20 per page for the next 250, and at the same rate for the residue and any further number; for binding in Russia and calf, \$3 50 per volume of 500.

It is estimated there will be 17 volumes. An expert has estimated the whole amount at \$225,130 over and above what the city will be required to pay out for preparing the copies.

It is said in justification of this job, that the City will receive, on the sale of the books, a sufficient sum to pay back the expected outlay. Such was the argument under which the State expended between four and five hundred thousand dollars for its “Natural History,” as it is called, when only about twenty thousand dollars were received from sales. But our alarms are most excited from the expected *character* of a work let out as a job, and to be superintended by such persons as are named in the contract.

In the appropriations made out by the late Comptroller, and passed by the Common Council, in order to be sent to the present Legislature, there is an item of fifty thousand dollars to cover the expected expenditure within the present year. The Legislature will be asked to confirm this bargain, and tax the labors of our citizens and their hard earned property to pay for such abuses of power. The Board of Supervisors, by the terms of the resolution adopted, authorized a committee to make the bargain, without specifying any terms. They voted down motions to advertise for proposals, and other motions to ascertain, in advance, the expected cost, so that some rule should be

formed by which a contract might be made. In thus delegating their powers to others, they have clearly violated the law prescribing their powers. But even the Board of Supervisors itself had no authority to make the contract. Their powers are prescribed by a general law applicable to all such bodies in the State, in which nothing of this character is specified, or justified under any general grant. They are a supervisory body, and adjust accounts, and determine the rate of taxation; but the expenditures proceed from another source, the Common Council. In 1826, authority was specially conferred on the clerks of counties, to have general indexes prepared; but no authority was conferred to *print*, and the City of New York was expressly excepted from the operation of the Act. The Supervisors of those counties (other than New York) were authorized to adjust the bills. In 1845 or 6, an act was passed that the Supervisors of the City might authorize *copies* to be made of matilated records, which, when certified by them, might have the force of originals. This is the extent to which such legislation has been carried, which clearly shows a defect of power to do what the Committee has undertaken. They have contracted to print seventeen thousand volumes of a work as foreign to their duties as possible, and expect to go into the market as sellers. With Collins, Bowne & Co. another contract has been made, for preparing and printing a digested index of wills; and with some other person, an index of the deeds and judgments in the County Clerk's office; or the latter is in the course of preparation. The City must first, according to these contracts, prepare a statement of each deed, the parties, its date, the property conveyed, &c., and the matter then goes into the hands of the contractors. The preliminary work is now being done, under the direction of that Committee.—There are four persons at work in the Register's office, five in the Surrogate's, and two in the County Clerk's office, in this service. For its accuracy no one is responsible, except Messrs. Smith and Barr. It constitutes the entire groundwork of the whole. The errors that exist must necessarily appear in the subsequent work, and be fatal to its character. We notify these parties, that they are proceeding without warrant of law, and that the moneys of the City *cannot, under such circumstances, be applied to compensate them.* The whole job will cost near half a million of dollars.

We have urged you, fellow citizens, earnestly and often, to arouse

from your indifference and put an end to such iniquities. We have reason to hope that a day of deliverance is fast dawning upon you. The Legislature have watched what is going on. They have sent encouraging assurances to our honest citizens; urged speedy and efficient action on our part, and promised to do *their duty*, after such incipient steps have been taken *here*, as shall authorize them to act. Act soon. Act boldly. The detestation of fraud and crime is yet deep seated in the hearts of men, and when appealed to by a whole community, will be answered promptly and with effect. Be satisfied with nothing but a speedy termination of the official career of those who have stamped disgrace upon us, and such organic measures as will stop further corruption. If you hesitate in this great duty, you will disgrace those from whose loins you sprang, and leave the inheritance of your own dishonor to your children.

PRIVATE SALE OF CORPORATION PROPERTY AT IMMENSE SACRIFICE, TO SCHMIDT, DURFEE & CO.

Books Erased, Interlined, &c.

The Sinking Fund Commissioners, during the past year, were Ambrose C. Kingsland, Mayor, F. R. Tillou, Recorder, Joseph R. Taylor, Comptroller, Shepherd Knapp, City Chamberlain, Alderman James M. Bard, Chairman of the Finance Committee of the Board of Aldermen, and Assistant H. M. Wells, Chairman of the Finance Committee of the Board of Assistants. They were charged by law with the express duty of preserving the funds and property applicable to the public debt, and stood in this safe position, that the ordinances prescribing their duties had, by the Legislature, been declared incapable of change by the Corporation. They were authorized to sell the real estate of the city not in use, but the power was fettered by many safeguards, to secure open, fair, *public* sales. As the official term of the late Comptroller was drawing to a close, an activity wholly unusual took place in this department, and so numerous were the deeds and water grants that the clerks of the late counsel were turned into recording officers in the Comptroller's office. It will be recollected that among the contemplated sales was the sale of a large number of piers and docks, which was to have been public, a sale that was cut off

by the action of the Courts. Complaints were made by persons who desired to purchase that proper information in respect to the matter could not be obtained from the Comptroller, and it is probable, if not certain, that in defeating the sale, a system of favoritism and fraud were defeated, under which that immense property would have produced much less than its actual value. The sales actually made *privately* within this period, were made in defiance of all prudence and propriety, and we do not see from an inspection of the minutes, that any of the Commissioners fully performed their duty to the public. Some of them are reprehensible for acts of omission, the others for acts of commission. In the index of Mr. Grim, to which we referred a few days ago, he observes in the preface that a single case illustrates a principle. We shall present in detail this morning the case of a sale to a person whose residence and occupation we cannot ascertain, Mr. Robert A. Durfee. On its face there are many circumstances of suspicion. When the late Comptroller was a candidate for re-election, he thus in the early part of last year addressed the public:—"The wharves and piers and the real estate belonging to the Corporation are worth (exclusive of the Croton Aqueduct and Reservoir) more than nineteen millions; are also pledged for the redemption of the city debt; thus placing the credit of the city beyond the reach of suspicion, and furnishing the most undoubted security for the redemption of its stocks and loans as they become due." This encomium upon our credit is followed with a specific valuation of property. The bulkhead and water right sold to Mr. Durfee heads the list:

"120 feet of bulkhead between Bank and Hammond street, \$25,000."

The Comptroller, with commendable prudence, placed it below its actual value. The city owned the upland and pre-emptive right. It is probably worth now from thirty to thirty-five thousand dollars. This land was sold in December (the sale consummated about the time of that of the Fort Gansevoort property) for TWELVE THOUSAND DOLLARS. It was a private sale. All the Commissioners were present. All joined in the act. Some of them knew well its value, others of them probably did not; but each was bound in the performance of the high trust with which he was invested, to ascertain it. The valuation put on it by Mr. Ludlum, and adopted

by the Comptroller, was published in the annual report of the latter, a document with which the Commissioners of the Fund should have been familiar. The minutes throw but little light on the transaction, but they show a carelessness in proceeding, not common in important matters.

Dec. 6, 1852.—“The Comptroller presented the following applications, which were referred to the Comptroller and Street Commissioner. The application of *J. W. Schmidt, Jr.*, for water grant on the North River between Bank and Hammond street.”

The law required a minimum valuation in advance of a sale, and this was deemed a compliance with the provision. The Street Commissioner was not a member of the Board, but he was required by law to unite in fixing the minimum. No written report was presented, but on the back of the application there are figures, which we are told constituted the report. The minutes then proceed:—

“Dec. 10.—“The Comptroller presented the report of the Comptroller and Street Commissioner on the application of *J. W. Schmidt, Jr.*, for water grant on the North River between Bank and Hammond streets, whereupon it was

“Resolved, That the Comptroller be authorized to issue a grant for land under water on the North River, between Bank and Hammond streets, 120 feet front on West street, from the S. W. corner of Bank and West streets, extending to the exterior line of the city now fixed, and containing the usual covenants to *Robert A. Durfee, per order of J. W. Schmidt, Jr.*, at the rate of \$100 per foot running measure—subject to a lease on the bulkhead to May 1st, 1853.”

On examining the record book in the Comptroller's office, the grantee's name (*Robert A. Durfee*) is written on an erasure. The deed must have been drawn in the first place, and recorded there in another name, but for some reason the latter was erased and Durfee's substituted. The minutes of the Sinking Fund Commissioners were interlined with the words “*Robert A. Durfee, per order of,*” which appear above in italics. In the margin of the minutes, the word “Davies” appears. The papers were doubtless handed to him to complete; he drew a deed, conveying absolutely to Durfee, the land, and one-half the street beyond, making 150 feet, reserving to the public the right of passage over it, and whatever wharfage might accrue from the 30 feet of bulkhead at the end of the street. The mode of conveyance, it will readily appear to lawyers, was exceedingly desirable to the purchaser in its influence on what will be

gained from the river in front of Bank street. The deed was acknowledged on the memorable 30th of December, and was recorded by the clerk of Davies. The sale to Durfee for himself *or others*, embraced the land under water, beginning from the present bulkhead on West street, and extending 410 feet out into the river, (equal to over 32 lots of 60 feet deep,) with the right to wharfage and dockage on the exterior line. It was a violation of those careful and necessary provisions of law which required a *public sale* of the premises. It was a violation of prudence in parting from ground which the city needed for depositing the rubbish (earth and ashes) collected in the vicinity, and by means of which it must necessarily be rapidly filled up without expense, and be made a valuable piece of property. The purchasers are to make the necessary streets (they will be made by those means) and pave and repair them. The bulkhead in front they are also to build. There are parties, we learn, who would pay for the property, subject to these conditions, from thirty to thirty-five thousand dollars. Numerous grants that were legal, so far as the power is concerned, and sales that were wholly illegal and wrong, were also made. Mr. Edmund Griffin (late an alderman) was a purchaser, at a low price, of a water grant (with unusual and improper provisions) on West street. Mr. Smith, father of the alderman Wesley Smith), was a purchaser of a wharf at the foot of Stanton street. Much of that property represented by the Comptroller in this report as "*furnishing the most undoubted security for the redemption*" of the city debt, and on which the city relied "*to place its credit beyond the reach of suspicion*," was sold, and there seems to have been no efficient effort to prevent it.

In the case of the sale of the Fort Gansevoort property, Mr. Tilton moved to fix the valuation at \$300,000, at which it had been valued, instead of \$160,000, at which it was sold, and he also moved to make the sale public, in which it is understood that he was supported by Mr. Knapp, but it does not appear on the minutes. The proposition was voted down.

It is no idle motive that prompts us to place before you the names of men of high standing and wide influence, in order that you may require them to explain their conduct. This Board of Commissioners has not been equal to the duty required of them in a trust of the highest magnitude. They have set an example which must be so repro-

bated that those who follow shall act in a wholly different manner. The property should in all these cases be recovered and restored to the Sinking Fund.

There is a still higher duty imposed on the community. *The city must be reformed.* Reformed by expelling from power QUICKLY AND FOREVER such men as remain in the Common Council, and whose influence is at the bottom of every act of omission and commission by which our present condition has been reached. There are those (men of substance and influence in both parties) who have deserted their duty as citizens for years past, and connived by their silence and indifference at the present state of things. It is through their neglect that a government capable of conferring manifold blessings has fallen into the hands of sharpers and robbers, who rely on the disgraceful love of ease so generally manifested, to perpetuate them in that villany by which they thrive. Be no longer disgraced by such inaction. You may yet do some service that will entitle you to grateful honors. Unite with those who are now engaged in the work of reform. But whatever you do, *do it on a thorough plan.* Great evils require great remedies. Reform your charter as you did in 1849. Cut off, as you did then, the term of Aldermen. Put others in their place. The rapid steps of the city towards disgrace—in which all are involved, and which will soon weaken *every trust*—will then be arrested, and our government put on a track to save our property from sacrifice, our franchises from forfeiture, our streets from appropriation to private objects, and that will check the demoralization which threatens such wide disaster. We shall presently turn you from these disgusting details to the contemplation of an officer (Mr. Flagg) who is meeting many of these abuses with courage and effect, an officer who will be swept from power by the Common Council under their powers of impeachment and suspension, on the adjournment of the Legislature, if the fate intended for him be not visited upon them. The battle with corruption is fairly commenced. Be firm, and the victory will be yours.

MORE WATER LOT BUSINESS.

Quick work on the 28th, 29th and 30th December.

On the 29th of December last, John Cox signed with other parties a receipt for \$9,786 89-100, for costs of the Commissioners, (of

whom he was one,) and of the counsel, Henry E. Davies, on the opening of the Eleventh Avenue. The persons selected for these positions are some of them nominated and controlled by the counsel. On reading his name, it became impressed on our memory. Yesterday, on inspecting the minutes of the Sinking Fund Commissioners of the same 29th of December, it again appeared. It was in a resolution agreeing to sell to him, as assignee of the owner of the upland, the land next South of the Fort Gansevoort property sold to Draper. The circumstances prompted an examination of the matter. The land is under water, and when gained from the river will constitute sixteen lots of 81 feet $8\frac{1}{2}$ inches deep. In front of it, on the exterior line, there will be a bulkhead of 81 feet $8\frac{1}{2}$ inches. The City, in May last, made an agreement to build that bulkhead at the price of \$9,497 04-100, of which it had paid on the 15th December last, on account of the work done, \$7,122 78-100, leaving \$2,374 26-100 to be paid when it is completed, which it soon will be. On the completion of the bulkhead, the property will immediately be in condition for filling in, which will speedily be done afterwards without cost. When filled in it will be worth in the neighborhood of Fifty Thousand dollars. It was sold by the Sinking Fund Commissioners to John Cox for \$4085 04-100, on the condition expressed in their minutes, that he was "*to pay* for the bulkhead in front of the same, as contracted for by the Street Commissioners." The deed for it, (it was not a grant for rent reserved,) was drawn by Mr. Davies, recorded by his clerk, and the transaction was completed on the day of the completion of the Fort Gansevoort sale. The grant was executed by the Mayor. It will readily be perceived that there was a sacrifice of this property, but the neglect of all prudence in the mode of closing the transaction, stamps it with its greatest peculiarity. We presume the late Comptroller and the Counsel are in the main responsible. The minutes stated that the grantee was *to pay* for the bulkhead. It is the universal custom, in making grants, to compel the grantee to build and pay for, not only the bulkhead in front of the land granted, but also for that in front of the adjacent street. The city in this case contracted to pay for *both*; the grant to Mr. Cox required him to pay only for that in *front of the land*, leaving the city to bear the residue. But this is not the worst aspect of the case. Instead of requiring *pay*, as the resolution direct-

ed, an *agreement* to pay is taken. An agreement from John Cox? The City parts with its valuable title, and takes only a personal obligation for the cost of the bulkhead, part of which it had already paid. The property was not in a condition for sale, but the term of the late Board was soon to expire, and there was some interest behind the curtain which required haste, and feared to subject the matter to the decision of the *new* Sinking Fund Commissioners. No prudent man would manage his affairs in this manner. No set of prudent men would thus part from property. No counsel who valued his reputation would dare to draw a deed so much at variance with what he knew to be the usual condition of such grants, and turn into a covenant, not binding on the land but merely personal, the condition prescribed by the Sinking Fund Board. The Commissioner whom he nominates to open streets is the party who receives these favors. He doubtless acted on the suggestion of others. The sales to Draper, Durfee and Cox, are nearly simultaneous. Cox applied through Lewis B. Griffin, on the 28th, for the grant; it was reported on by the Street Commissioner and Comptroller on the 29th; it was consummated on the 30th. The minutes in each case bear this peculiarity, that the person named to the Sinking Fund Commissioners as the actual party, was different from the one who took the deed. Lewis B. Griffin applied for a water grant in the Cox case, and the name of the latter does not appear until the Board are about to pass on it. J. W. Schmidt, Jr., applies in the Durfee case, and the name of Durfee is interlined after the grant had been agreed to. Reuben Lovejoy is the apparent purchaser in the sale to Draper. The grant to Cox adjoins the grant to Draper. Such proceedings are unusual, and lead to the belief that sales thus made simultaneously, have some connection with each other. We desire to be informed who is Mr. Robert A. Durfee, and who is Mr. John Cox, and what claim they have to peculiar bounties from the City? The answers may furnish some clue to these extraordinary proceedings.

Citizens of New York, your Common Council, for the last year, produced an atmosphere of corruption that filled all the public offices, and poisoned the morals of too many public servants. They remain most of them yet in power. The work of corruption is going on daily, and breaking down all the safeguards on which you have relied for an honest performance of duty; and yet you go on in the

ordinary occupations of profit, as if the increasing circle of corruption would not ultimately widen so as to embrace every prominent interest, and every branch of government, and produce deep and incurable disorders among them. Your repose is not only unjustifiable, it is criminal. With well directed efforts, free from the spirit of party, and entered upon with a view to establish the supremacy of wisdom and virtue in public affairs, you may easily drive into merited privacy and obloquy those who now govern for purposes of plunder, and leave no interest free from their pollution. If you timidly retire from the encounter, on the disgraceful plea that nothing can be done, oppression will go forward. But if you strike a successful blow at the villany we are enduring, it will strengthen the arm of honest men everywhere, and break down the tendency now so general towards deep and universal corruption.

MORE WATER LOTS.

Who is Mr. Durfee?—Who is Mr. Cox?

THE SALES TO COX AND DURFEE.—In answer to our inquiries yesterday—who is John Cox, and who Robert A. Durfee—the purchasers of Corporation property from the Commissioners of the Sinking Fund, at prices far below its value,—we have received much information, some of it in letters, part of which we publish

The first is as follows:

“There is a man by the name of Robert A. Durfee, foreman in Mr. Kingsland’s oil works in Jersey City.”

On the back, is a note to us from one of our best citizens, as follows—“A modest young friend, who cannot appear, has sent me this note for you.

“Yours, truly, —.”

Another is as follows:

“Durfee is foreman in Kingsland’s oil factory, Jersey city.”

This is from a firm in Pearl street. Another is as follows, signed with a responsible name:

NEW YORK, 25th January, 1853.

“MESSRS. EDITORS:—As you wish to be informed who Mr. Robert A. Durfee is, of whom mention is made in your paper this morning,

he is foreman in D. & A. Kingsland & Co.'s oil factory, in Jersey City, N. J.

"Yours, respectfully, ——."

The following is from one who signs himself—A TAX PAYER:

"MESSRS. EDITORS:—The Robert A. Durfee mentioned by you this morning, in connection with the sale of property on the North River, is now, and has been for many years, foreman for D. & A. Kingsland & Co., at their factory at Jersey City. * * * * Many, many thanks to you for your services in bringing to light the iniquities that have been practised upon the people by the Common Council. Go on, for the sake of virtue, and let us know whom we can trust. It cannot be that all our public men are guilty alike."

The information we have received as to John Cox, is not sufficiently definite to justify its use in so grave an investigation. Enough is presented to require from Mr. Kingsland a full explanation of these extraordinary sales, in which he took part as Commissioner of the Sinking Fund. As Mayor of the City, he executed the grants.*

Pursuing our investigations yesterday, into the sale to Cox, we learnt some further particulars. Mr. Lewis B. Griffin was the owner of the upland adjoining this grant. It was claimed on the part of the city that he had forfeited his pre-emption right to a grant in front; and such grant was therefore (as we are informed by a clerk in the Street Commissioner's office) expressly refused. Upon this ground, the Street Commissioner, in May last, entered into an agreement to build a bulk-head on the new exterior line (13th avenue) in front of this property. There was no other justification for its construction by the city, except that the pre-emptive right of the upland owner had been forfeited. The difference between the two positions was this: If the pre-emptive right had been *forfeited*, the city could gain the land from the river and sell it to strangers. If not forfeited, then, in case a grant were issued, it could only be issued to the upland owner. In either case, the city was authorized to fix its own price and terms; but a grant to the owner of the upland of the *mere water-right*, is generally at a lower price than when the City holds both the water right and the adjacent land. In this case, the City had assumed its position as *owner*, by reason of such

* No proper explanation has been made.

forfeiture, and taken the proper steps to gain the land from the river as the property solely of the City, and had paid over seven thousand dollars on an agreement to pay \$9,497 04-100 in this object. It was for the exterior bulk-head. Such was the position of the City. Rights had been acquired that should have been securely guarded. The lots filled up and in order for sale will produce, in the aggregate, with the right of wharfage, in the neighborhood of fifty thousand dollars. Now, how is it disposed of? On the 28th of December, an application was made in two or three lines, by Lewis B. Griffin, for a water grant in front of his property. *The body of it is in the handwriting of the late Comptroller*, and was presented to the Sinking Fund Commissioners, and referred to the Comptroller and Street Commissioner. On the back are the figures \$50—meaning that a verbal report had been made, that a grant should be executed at that rate per foot. On the next day (the 29th) the Board confirms the report, and orders the grant to John Cox per order of Griffin. The order requests that the grant to him be made to Cox, and the body of this is in the handwriting of the Comptroller's Clerk. There was a disregard of all business habits in this mode of proceeding, and of all prudence. The reference to the Comptroller and Street Commissioner, was a compliance with a statute which contemplated deliberate action, and a proper report. If Griffin had a pre-emptive right, there was no power thus to dispose of it. He could assign it only with due formalities. But the transaction as completed by the Counsel, Comptroller, and Mayor, shows that they regarded the title as in the City perfectly, and an absolute deed to Cox was made irrespective of the upland.

We have no time nor disposition to repeat the enormities of the sale, as developed yesterday, and the omission of all care and prudence in carrying it into effect. But we call upon you, fellow-citizens, to require from your public servants, that they take quickly the steps necessary for the recovery of this property. It can only be recovered, after the passage of a resolution to authorize it by the Common Council. If the sale is allowed to stand, the security thus afforded to such outrages will insure their repetition. If it shall be ripped up, the warning will deter others from repeating the iniquity. How shall the resolution to authorize proper proceedings, in this

and other cases, be passed? You must expel from power the Aldermen who now disgrace the Common Council. Assemble together in your might, and with one voice demand from the Legislature, and the public, that an opportunity be instantly given to prove that New York reprobates, and will punish, the low vices which now stain the bright metal of her honor.

ATTEMPT OF SUPERVISORS TO SHAKE THE JUDICIARY.

The independence of the Judiciary has been secured in various Constitutions, by provisions that prevent a capricious removal of Judges, or a change in their compensation during the existence of their term of office. It was justly supposed by the framers of such instruments, that if the salary of a Judge could be increased during his term, the power might be used to affect his decisions. Men without a high organization and refined culture, have proved too generally, that where the treasure is, there the heart is also. Considerations of this character induced the Convention of 1846 to adopt this clause:

"Section 7. The Judges of the Court of Appeals and *Justices of the Supreme Court*, shall severally receive, at stated times, for their services, a compensation to be established by law, *which shall not be increased or diminished* during their continuance in office."

In pursuance of this provision, the salary of the Judges of the Supreme Court was fixed by law.

In the month of June last, application was made to the Board of Supervisors to increase the compensation of Judges of the Supreme Court, and a report and resolutions were introduced in conformity with the application. There were various matters pending in Court in which the Corporation was interested, under the management of the late Counsel, such as the appointment of Commissioners to open streets, the confirmation of the proceedings, and the taxation of costs of Counsel and Commissioners; and the resolution, which provided for an increase of salary from the first of July last, was laid on the table. In the mean time, various grants were made of valuable franchises and property of the city to persons standing in a peculiar relation to members of the Common Council, the legality of which was questioned, and on the 27th of December last, the very time when some of these illegal grants were being consummated, the authors of them passed the following resolution:

"Resolved, That in pursuance of the authority vested in the Board of Supervisors, there shall be allowed to each of the Justices of the Supreme Court of this State, in the First Judicial District, a compensation for their services, of one thousand five hundred dollars a year, which shall be paid to them quarterly, out of the county treasury, in each year, after the first day of July, one thousand eight hundred and fifty-two.

"Resolved, That there shall be allowed to each of the Justices of the said Supreme Court, in other districts, the sum of eight dollars a day, for the expenses of such Justices, during each day that they shall hold any court in the city and county of New York; and the sum of eight dollars for each one hundred miles which the said Justices shall necessarily travel, in coming to the said city and county, from their places of residence, to hold every such court, and in returning thereto, and that the said several sums shall be paid out of the county treasury."

The above compensation is in addition to their ordinary salary. It is of course competent for the Board of Supervisors to repeal these resolutions at any moment. The complexion of the Board is in no respect changed, except in the office of the Mayor, who presides. The members, doubtless, have expected that their sense of justice, in providing adequate compensation—it is not more than adequate—will be duly considered by the bench, in the adjudication of those important questions now before them, relating to the powers of the Common Council. The very evil contemplated by the framers of the Constitution, has thus arisen, and the power of the bench to overcome a great temptation is now to be shown.

The independence of the Judiciary is one of the greatest safeguards of the community. Without it, no people can long maintain their liberties and their happiness. The weak rely on it for protection against the strong. Laws are enacted for this purpose. But of what avail is the passage of good laws, if they are not administered wisely, honestly, and firmly? If the Judiciary is made dependent their dependence will rest, not on the weak, for these are inefficient, but on the strong, for they can render service. Courts of justice, which are the refuge and protection of the weak when the Judiciary is elevated and independent, are, when otherwise composed, converted into instruments of wrong and oppression. Is there not imminent danger that the Judiciary of this State may be shaken in the firm administration of justice, by subjecting their compensation to the caprice of those who are suitors before them, urging a decision

on questions involving not only their immediate pecuniary interests, but also their personal liberty? The man who does not tremble at this state of things, knows little of human nature, and is blind to all the warnings of experience. If the great safeguard of an honest and unyielding bench, thrown around the rights of the citizen, is swept away, a dark night will come over the fortunes of the country. Protection will then be afforded to criminals, who, by violence, interfere with the exercise of political rights, on the part of those who are inimical to the bench, and the frauds and injustice of those who fix the compensation of judges be upheld. We do not belong to the class who would make the compensation of those who occupy the bench, too light to command the highest talent and the best character. We believe that salaries are generally much too small for high judicial stations. The compensation now fixed by the Board of Supervisors, should, by a law of the State, so far as this is possible, be made permanent, and incapable of being affected by those who establish it, having possibly in view the villanies that were being perpetrated and their ultimate maintenance by judicial decisions. We make the distinction between the necessity for adequate payment and the time and manner of payment now adopted, and its peculiar attending circumstances. The calendars were full, and will be to overflowing. The Governor had called attention to the subject, and recommended that the labors of the bench be devolved partly on others. An Act was passed in 1852 authorizing the Board of Supervisors to raise the salaries and pay certain traveling expenses of Judges from other quarters of the State. The proceeding of the Board appeared to have the warrant of law, but it must be clear that the injunction of the Constitution that the compensation of Judges "shall not be increased or diminished during their continuance in office," applies not only to the Legislature, but also to every subordinate instrument established to carry into effect the political power. The Comptroller of the city ought, we respectfully submit, to obey the mandate of the Constitution, which he has sworn to support, and refuse the payment; but means should be taken by good citizens to place the whole subject on a proper footing.

It is to gratify no idle curiosity that we place before you so often and earnestly, fellow citizens, these startling disclosures. Means are being taken by men in power to accomplish personal designs widely

at variance with the permanent interests of the country, and they are prosecuted with a boldness and perseverance that show wide and deep corruption as being the condition already reached in too many quarters. The tendency must not only be met and opposed, but wholly overcome, and its authors held up to just detestation and punishment. The efforts of the press, powerful though they be, when prosecuted with fearlessness, are yet as nothing, except they arouse the community into decisive warfare against gross abuses. Too many stand aloof from the contest. The indifference of those who have already earned a competence, and who live to enjoy only pleasure, is the reliance and prop of the corrupt, and the drag which the enemies of corruption most feel. It is a criminal indifference which should awake the censures of the community. A free government imposes on all the necessity of attending to its preservation: and the time has now come when we must take efficient steps to preserve and protect our rights, liberties and property, or these high interests will be successfully invaded. Reader, how will you act? If you shall determine to obtain reform, *act quickly, act thoroughly*. Be satisfied with nothing short of an organic change, one that will at the ensuing Spring, through the aid of the Legislature, enable you to drive from power the men who hold it, to pollute even the pure ermine of justice with the filth of their Augean stable.

THE LATE ABUSES AND THE REMEDY.

We take the first opportunity to pause over the work already accomplished, and endeavor to turn it to useful account. Those who have watched the progress of development for a few weeks past, have perceived that the frauds of the Common Council were exhibited in two forms. 1st, In selling to others their votes and influence, whereby valuable franchises and property have been parted from without compensation to the city; and 2nd, In grants directly to themselves, a third party being used as a matter of ceremony, with a right to a share of profits. There are other iniquities of different kinds, with the character of which you are familiar. You were informed a few days ago of the pertinacity of the Common Council in

endeavoring to force the Commissioners of the Sinking Fund to sell the Fort Ganzevoort property to one D. R. Martin. Alderman Sturtevant has his office in the building in which D. R. Martin is located. Mr. Martin is also lessee of the following piers from the Corporation:

South half of Pier 23, at rent of.....	\$1,265
Pier No. 22, do.	1,316
North half of Pier 20 and bulkhead, at.....	1,366
South half of pier 14, at rent of.....	2,006
Pier 39, Vestry street, do.	1,380
Pier 35, Franklin street, do.	2,356
Pier at Laight street, do.	507

The piers owned by the city were valued by the late Comptroller at \$3,258,000. The net income from them, after deducting cost of repairs and salaries, is only \$12,485 52-100—six per cent. and a fraction on two hundred thousand dollars! We have the most reliable information, that a single pier let by the Corporation at \$1,200 per annum, is underlet (one-sixth of it) at \$1,000 per annum. How fortunate Mr. Martin must be if he is the real owner of these leases. Under the Sinking Fund Act, the piers and their avails were pledged to the debt: but all care of them seems to have been utterly abandoned, and the power has been absorbed into the Common Council, through the Committee on Finance. It is not to be supposed when law is openly and disgracefully violated, and a vast property, utterly sacrificed by public officers, that they take upon themselves merely the odium of the transaction, and leave its benefits to others. Happening to be at the City Hall on Friday, we looked for the first time into the names of the grantees of the Broadway Railroad, and there saw as one of them the name of this D. R. Martin. Why is he the recipient of these vast privileges? What entitles him thus to “roll and tumble in the ocean” of Corporation bounty? Look over the list of other names in the Broadway grant, and you will see in the close relationship of blood and pecuniary interests between Aldermen and grantees, the answer to the question. The same influence that prompted the passage of the resolution referred to, induced the leases and the railway grant. We present this matter now, and refer to a single instance, only by way of illustration; but if the promised affidavit of Mr. Jacob Sharpe, (who, in addition to being one of the railway grantees, built last year the bulkhead at Fort Ganzevoort for

about \$90,000, the pier at Manhattanville for an enormous sum, and is the recent grantee of the Wall street ferry and wharves, among numerous other favors,) if his promised affidavit shall be true, that nothing was paid, the question will arise, whether it was necessary for Mr. Martin to pay Mr. Sturtevant, or for other relations or friends to pay other Aldermen for such a grant. In such a matter he and his colleagues could afford to be magnanimous. We must leave much in what we write on these subjects to be appreciated from the facts, without the aid of deduction from us; for a thousand enemies have started up from the strongholds of corruption, to render investigation and criticism difficult; and we desire, by the use of all the moderation compatible with a disagreeable duty, to show that a feeling animates us which no citizen should censure. The city is fast rushing on to the brink of destruction: and unless our steps are arrested, all will be involved in the same disasters—the criminal who is the active agent in this state of things, the rich who by silence and inaction connive at it, and the humble citizen who raises his voice of remonstrance, but who is crushed between the two influences. An effort now made with singleness of purpose, with wisdom and with courage, will check, if it will not correct the disorders of the times. We think we perceive, that that wealth which has been increased through means of corruption, would now be poured out like water, if it could wash away the ineffaceable stains which attend its possession. A feeling and sentiment have been aroused, of a character so deep and so widely spread, that if we but use them as the occasion prompts, fraud will be detested and reform accomplished. The danger which lies before us arises from the anxiety of some to aim the action of the public towards those particular abuses from which they derive injury—the Broadway railroad case, for instance—and of others to make the reforms only of a partial character. The great feeling now aroused must not be wasted on what is partial or temporary, but concentrated into one purpose, and directed towards it with energy, courage and confidence. To procure wide and effectual reform is an object worthy of high effort, and must in the end triumph over every obstacle. Present defeat before the Legislature or the public, is not to be compared to the disaster which attends success with partial, temporary and ineffectual measures. Such measures will be prosecuted on the admission, direct or impli-

ed, that effectual remedies are hopeless, and that we must ultimately sink down into irremediable confusion and disgrace. The time has arrived to exhibit the true character and the powerful energies of a free people, their abhorrence of fraud and wrong, their determination that the virtue of the community shall control its vice, their capacity to govern wisely and firmly. The opportunity must not be lost. In the contest the tone of the public will be raised, and virtue become invincible. Let us examine some of the defects in our system to which we owe the evils that prevail. If the worst demagogue in the city had been the democratic candidate for the Comptrollership, the popularity of General Pierce would have elected him. It will be very obvious that it is impolitic to subject the city to that hazard. Many officers were carried in, wholly through that influence—some for three years, others for only one. If we are not greatly mistaken, there will be abundant cause to regret the success of some who were thus elected. This difficulty will be corrected by separating our municipal from our general elections, and by changing the former from the Fall to the Spring. It may be objected, that this was tried for a short time, and abandoned. The reasons for the abandonment we well know; they were more connected with the fortunes of party, than with the prosperity and good government of the city. No argument can be presented by even the most ingenious mind, in favor of mixing up the two elections together, that cannot be overwhelmingly answered. We take it for granted that this change will be insisted on, and that all measures that do not embrace it will be promptly rejected. The change draws after it necessarily a change of the present incumbents of office. Their term must either be shortened, so as to terminate this Spring, or be lengthened so as to run over to the next. We now elect in November those who take office in January; we should elect in April those who take office in May. It would create a feeling of horror to propose to add four months to the term of the present Common Council—a body which has made New York corruption a by-word over the whole continent. Therefore it should be shortened, so that the political life of those who have been tried and found wanting, who have brought disgrace on their home, their children, their friends, SHALL BE FOREVER TERMINATED. It is the necessary result of a necessary change. It will be a blow struck at

corruption everywhere. It will strengthen the arm of honest men in similar contests, in other cities and other States. *The vote on the question, whether or not their term shall be lengthened or shortened, if submitted to the people, as we hope it may be, will give a spirit to the contest that will prove that a great community has firmly put its foot on the neck of corruption.* The Legislature have therefore only to be asked to allow the people who know these men, and who will give them a fair trial, to decide on the character of their deeds. The power to change the form of government, or even to abolish it, is inherent in every people. This is at the bottom of American constitutions. Great movements of that character should not be entered upon without grave deliberation. The proceeding now necessary is different from that, and wholly inferior and subordinate. It is a necessary change in the time of election, which draws after it the question whether a *representative* without any vested right, shall represent his principal four months more than a prescribed term, or eight months less. The man who imagines that any constitutional right, safeguard, interest or policy, is interfered with in such an act, misunderstands the character of our institutions, and of those, also, whose spirit and tone are so largely infused into them. There has ever been a hesitation about interfering with the term of regular judicial incumbents, but none whatever in any quarter against a change which affects only the mere representative. An extraordinary emergency has arisen, and there is a necessity for its exercise. The danger which the enemies of reform advance, that it may be applied at other times, and under circumstances that do not justify a change, is met by the consideration that the people are to vote upon it, and they would rebuke an attempt to displace honest officers. Such as are dishonest, and who impress the whole body with their infirmities, can never be removed with disadvantage, whether the act be viewed by itself or as a precedent. The precedent will tend to purify the administration of public affairs. The Legislature, when asked to submit to the people of New York, the question,—“Shall the term of the present Board be lengthened or shortened!” decide nothing against the present incumbents. They allow *us* to decide for or against them.

Another defect is equally obvious. No legislative establishment anywhere but here, has two bodies with the same constituency. A

member of the lower House of Assembly represents one part of the State,—and of the upper, another. In our city we send from the same ward a member to the Board of Aldermen, another to the Board of Assistants, and, substantially, a third to the Legislature. They are elected at the same time, and like influences prevail to stamp them with the same character. Hence one Board is not a check upon the other, and the tax bills of the city pass the Legislature as they are prepared by the Common Council. The anomaly of this condition should be changed. The change which we would promote, squares with every valuable popular principle. When the members of the Legislature were elected by general ticket, they were far better than now. The reputation of nominating bodies was pledged for the excellence of the nomination. The Board of Aldermen should be nominated and elected on this plan. As they have much work to do, the number cannot be made small. If the Board consists of twenty, elected by general ticket, five of whom shall go out yearly, the attention of men of substance will be turned intently to its construction. There will then be one Board which will owe its powers and feel its responsibility to the whole public. As a compensation for the separation of members of this Board from direct accountability to particular wards or districts, the Board of Assistants could be made more popular. Send a member to it from every two election districts. The city is divided into about 90 districts, which would give 45 members. They would be brought into close contact with the people. The wants of the latter could easily be made known. A sufficient number of strong and honest men would reach this Board to overcome every tendency towards corruption. Its size will render corruption difficult; but imagine the effect with which a strong mind, desirous to do battle for the right, might there denounce iniquity, and drive it into its dark recesses. With a legislative establishment thus constituted, meeting, not in the night as now, but in the open day, proper means would be provided for the passage of all good laws, and to obstruct bad ones. The popular and the conservative principle are both represented, and furnish not only the opportunities to forward, but also the means properly to guard the steps of progress. If, in addition to this, you constitute the Board of Supervisors an independent body, and turn them into auditing officers, or create a Board of Finance of that character, the

anomalies of our condition will be changed, and proper legislative and supervisory boards be established. There is much more to be done, but it takes more the shape of detail than do the subjects discussed. There will be a strong effort to confine the action of the public in this great juncture, to such measures as proceed on the idea that mis-government must exist, and that only measures which chain up representatives to the limit of a particular circuit, and appoint a keeper to feed and watch them, can be relied upon.

It will be said that the creation of a Board of Finance, to hold power over the representative bodies, will be effectual; indeed, it will be claimed to be more organic and more thorough than the measures we have proposed. Whilst the plan might be accepted, in connection with others, which establish reform in the sentiments of the people, as a necessity which they may and must accomplish, we have no hesitation in saying, that its adoption alone, would be a waste of the immense feeling now aroused, and which is capable of extension to every heart that feels a stake in the great principles that lie at the foundation of our free system, and an abhorrence of fraud and wrong. The people, if they are not already, must be excited to the requisite point of elevation. They must not be lowered from it to accept only a partial, ineffectual remedy, by which we are to be sunk down to the level of those who act on the policy that only knaves and fools will be elected, and that all thorough remedies will be hopeless. We are not constructed, said a great orator, to conquer by endurance; we are not encrusted with a shell; it is by active, vigorous, manly steps that we reach our true position.

It may be objected against this plan of reform, that it interferes with a Board newly elected (the Board of Assistants,) and which is not responsible for the iniquities that have been disclosed. Although there was a new election last fall, yet there were few changes. A large majority of the old members was returned. If the next election is not changed from the fall to the spring (the ensuing spring) a like result will take place. The members use the funds of the city to pay their retainers and bullies, and in the confusion of an election which embraces many interests, they will certainly prevail. The power resulting from the lavish use of the money collected from taxation, to perpetuate the villany of members, is superior to the strength of party discipline, and the latter is overborn. Hence the promi-

nence, which you behold, of city Aldermen in all political assemblages. The funds they apply enable them to dictate in most of the proceedings. As political conventions are now organized here, those, as a general rule, who are aspirants for office and political honors, completely govern. It is they who pay the expenses of the election. Their contributions in this behalf comprise also the purchase money required for a nomination. So long as these bodies are composed of needy members, who reach the place, as most of them do, for the rewards that attend it, such will ever be their character. In this respect there is no difference between "the two great parties." Cannot any man of judgment and resolution plainly see, that any such miserable organization can easily be overthrown? It has no single element of real strength. It stands on the tottering basis of corruption. A thousand substantial men who will form an organization on an independent basis, and subscribe enough to paralyze dictation from those who desire office, will mow down the miserable devils who control in politics, and control on a plan that disgraces the land in which they live. We have measured fully those who now rule, and speak with confidence in saying, that less forcible, or less respectable bodies could not well be assembled together. Arise, then, citizens of New York, with confidence, courage and strength, and wrest your city from such hands. Establish in the place of misrule and corruption, a solid government, one which the vicious shall feel, and the good revere. A few party men of weight may oppose your movements, but their error will be seen. A few old Whigs suppose they will get possession of the city in the fall, from the unpopularity of their opponents now in office. Some old Democrats oppose any disturbing element in the elections. They forget that men of both parties in the present Common Council, have rejected party, and stand together on one broad platform—the platform where lie scattered the contents of the public treasury, the franchises of the city, its grants for ferries, land and property—and that they stand upon it filling their pockets with the vast plunder, with which they corrupt Conventions and the Grand Jury, control the primary meetings and hire bullies whom they discharge from imprisonment or, as Judges, so gently punish, that the criminal is encouraged to repeat his dangerous offences against the sanctity of the ballot. A party man of either side must see in this state of things, what is fatal to the supremacy of the party. He must discover a far deeper danger.

The union of Whigs and Democrats in the Common Council on the basis of plunder, suggests a union of honest men on the opposing basis. A distinct issue of that character can be formed. The plunderers will fall and be disgraced forever.

To those, therefore, who assemble in the work of reform, we say, be satisfied with no half-way measures. Accept only those which are complete. The Legislature of the State is in the hands of the Democratic party. The executive offices are held by them. The two will be responsible for what they grant to you, and for what they refuse. Hold them to the responsibility. Place your grievances before them in a manly spirit. You have no power to amend the Charter; the power is theirs, and if they refuse what is necessary to accomplish perfect reform, they make the crimes of those now invested with the local government *their* crimes, and thus give to reform a wider theatre for action. But if you demand from them only what is right, and show that you will submit to nothing that is wrong, they will be with you in the effort, and entitle themselves to the warmest blessings.

AVERY
CLASTICS

[Faint, illegible handwritten text, possibly bleed-through from the reverse side of the page.]

